
Public Utilities Commission of the State of California

***Public Agenda 3022
Thursday, September 2, 1999, 10 a.m.
San Francisco, California***

**Commissioners
Richard A. Bilas, President
Henry M. Duque
Josiah L. Neeper
Joel Z. Hyatt
Carl W. Wood**

For each agenda item, a summary of the proposed action is included; the Commission's decision may, however, differ from that proposed.

Website: <http://www.cpuc.ca.gov>

**Scheduled Commission Meetings
505 Van Ness Avenue, San Francisco**

<i>Ratesetting Deliberative Meeting*</i> Room 5305 (1:30 p.m.) <i>Closed to the Public</i>	<i>Commission Meeting</i> Auditorium (10 a.m.) <i>Open to the Public</i>
✓Monday, August 30	Thursday, September 2
✓Monday, September 13	Thursday, September 16
Monday, October 4	Thursday, October 7 (Los Angeles)
Monday, October 18	Thursday, October 21
Monday, November 1	Thursday, November 4

**Ratesetting Deliberative Meeting dates are reserved as noted but will be held only if there are ratesetting matters to be considered. A "✓" next to the date indicates that the meeting will be held. A "✓" next to the item number on the Agenda indicates that the matter will be considered during the Ratesetting Deliberative Meeting.*

A "◆" next to the item number on the Agenda indicates that the matter may be considered during Closed Session pursuant to Public Utilities Code Section 1701.2(c); thereafter the Commissioners will reconvene in Public Session to vote on the item.

Matters of Public Interest

For the convenience of the public and media representatives, items of widespread public interest will be taken up at the beginning of the meeting.



This location is accessible to people with disabilities. If specialized accommodations for the disabled are needed, e.g. sign language interpreters, please call the Public Advisor at (415) 703-2074 or TDD# (415) 703-2032 five working days in advance of the meeting.

For further information contact the Public Advisor
(415) 703-2074 E-mail: public.advisor@cpuc.ca.gov

PUBLIC COMMENT

The following items are not subject to public comment:

- All items on the closed session agenda; these are HEX and EX items.

CONSENT AGENDA

Items shown on the Consent Agenda will be taken up and voted on as a group in one of the first items of business of each Commission meeting. Items may be removed from the Consent Agenda for discussion on the Regular Agenda at the request of any Commissioner prior to the meeting.

ORDERS AND RESOLUTIONS

NOTE: Ex Parte Communications are prohibited on Items CA-4 and CA-26 from the day of the Ratesetting Deliberative Meeting through the conclusion of the Business Meeting at which a vote on the Proposed Decisions are scheduled. (Rule 7(c)(4)).

CA-1 Res TL-18900 - Resolution approving issuance of charter-party carrier certificates pursuant to Section 5374(b) of the Public Utilities Code.

CA-2 Res ALJ-176-3022 - Ratification of preliminary determinations of category for proceedings initiated by application. The preliminary determinations are pursuant to Article 2.5, Rules 4 and 6.1 of the Commission's Rules of Practice and Procedure.

CA-3 R87-11-012 - Order Instituting Rulemaking to revise the time schedules for the Rate Case Plan and fuel offset proceedings.
This decision denies Pacific Gas and Electric Company's request to forego the required year 2000 cost of capital filing. This proceeding is closed.
(Com Neeper - ALJ Stalder)
(Section 311(g))

- ✓ **CA-4** **A98-01-015 - Southern California Gas Company (SoCalGas).**
For authority pursuant to Public Utilities Code Section 851 to sell its storage field in Montebello, California. This decision dismisses without prejudice SoCalGas' application. This proceeding is closed.
(Com Duque - ALJ Stalder)
(Section 311(d))
- CA-5** **R97-01-009 - Order Instituting Rulemaking on the Commission's intervenor compensation program. I97-01-010 - Related matter.**
This decision adopts, with two changes, the Commission's proposal for determining responsibility of certain utilities for payment of intervenor compensation awards in quasi-legislative or rulemaking proceedings, first announced in D98-04-059. Specifically, when participation of California-jurisdictional utilities occurs through an association, the Commission will direct the association - and not the member utilities - to pay any award. Second, the Commission modifies D98-04-059 to remove the requirement that utilities file a revenue report with the Public Advisor.
(Com Bilas - ALJ Hale)
(Section 311(g))
- CA-6** **Res TL-18901 - Crowley Launch and Tugboat Co. (Applicant).**
This resolution grants Applicant's request for voluntary suspension of its vessel common carrier certificate.
(Section 311(g))
- CA-7** **Res T-16325 - Capital Cellular.**
This resolution revokes the Wireless Registration Identification of Capital Cellular, as requested by the company.
(Section 311(g))
- CA-8** **Res T-16324 - All Pacific Cellular, Inc.**
This resolution revokes the certificate of public convenience and necessity of All Pacific Cellular, Inc., as requested by the company.
(Section 311(g))

- CA-9 Res T-16323 - Encino Cellular, Inc.**
This resolution revokes the certificate of public convenience and necessity of Encino Cellular, Inc., as requested by the company.
(Section 311(g))
- CA-10 Res T-16322 - Intouch America.**
This resolution revokes the certificate of public convenience and necessity of Intouch America, as requested by the company.
(Section 311(g))
- CA-11 Res E-3635 - Southern California Edison Company (SCE).**
This resolution approves SCE's request for restructuring of a Qualifying Facility Contract with Oxbow Power of Beowawe, Inc.
(Advice Letter 1381-E, filed May 20, 1999)
(Section 311(g))
- CA-12 R97-04-011 - Order Instituting Rulemaking to establish standards of conduct governing relationships between energy utilities and their affiliates. I97-04-012 - Related matter.**
This decision adopts Wild Goose Storage, Inc.'s proposal, as modified in the ordering paragraphs, to apply the Affiliate Transaction Rules at this time to the initial respondents to the Order Instituting Rulemaking/Order Instituting Investigation in R97-04-011/I97-04-012, with the proviso that we might apply the Rules, or a portion thereof, to other utilities as defined by the Rules when conditions warrant. This decision also puts Wild Goose and all other utilities under our jurisdiction on notice that we intend the respondents in the review of the Affiliate Transaction Rules to be all electric and gas utilities within our jurisdiction, and the burden will be on the responding utilities to justify limited or partial exemption from the Rules. These proceedings are closed.
(Com Bilas - ALJ Econome)
(Section 311(g))

CA-13 A99-04-007 - Romy Bus Company, LLC.

This decision grants Romy Bus Company, LLC's request to operate as a passenger stage corporation between: (1) Calexico and Sacramento/Woodland or Salinas/Watsonville and intermediate points in the cities of Indio, Los Angeles, Bakersfield and Fresno; (2) San Ysidro and Sacramento/Woodland or Salinas/Watsonville and intermediate points in the cities of Los Angeles, Bakersfield and Fresno. This proceeding is closed.

(Exam Koss)

(Section 311(g))

**CA-14 A99-05-001 - Ventura County Shuttle, Inc., dba Ventura County
Airporter.**

This decision grants Ventura County Shuttle, Inc.'s request to establish a Zone of Rate Freedom of \$10 above and \$5 below its present fare. This proceeding is closed.

(Exam Koss)

(Section 311(g))

**CA-15 A99-03-053 - Pablo Chavez and Rubileen Chavez, dba Cornerstone
Airporter Express Services.**

This decision grants Pablo Chavez and Rubileen Chavez's request to operate as a passenger stage corporation between the cities of Santa Cruz, Capitola, Watsonville, Scotts Valley, and Felton, on the one hand, and the international airports of San Francisco, San Jose and Monterey Municipal, on the other hand. This proceeding is closed.

(Exam Koss)

(Section 311(g))

- CA-16 A99-05-017 - City of San Diego (City).**
This decision grants City's request to widen the existing crossing at separated grades known as "Rose Canyon Bridge and Overhead" over the tracks of North San Diego County Transit Development Board's and Metropolitan Transit Development Board's, Main Line, in San Diego, San Diego County. This proceeding is closed.
(Exam Koss)
(Section 311(g))
- CA-17 C97-09-024 - Snow Valley, Inc. vs. Southern California Edison Company.**
This decision dismisses the complaint for failure to prove allegations. This proceeding is closed.
(Com Neeper - ALJ Bennett)
(Section 311(g))
- CA-18 A99-05-003 - Flecha Amarilla Del Norte, LLC.**
This decision grants Flecha Amarilla Del Norte, LLC's request to operate as a passenger stage corporation between Calexico and Los Angeles and intermediate points of Indio, Palm Springs, San Bernardino, Pomona, and El Monte; and San Ysidro and Los Angeles or San Bernardino and intermediate points of Santa Ana, El Monte, and Pomona. This proceeding is closed.
(Exam Koss)
(Section 311(g))
- CA-19 (ECP) C99-06-026 - Steve Addor vs. Apple Valley Ranchos Water Company.**
Complaint for reparations for improper billing. Defendant failed to appear. Judgement for complainant. Defendant shall refund \$18.34 and cancel its past due bill. This proceeding is closed.
(Com Hyatt - ALJ Barnett)

CA-20 A99-01-022 - County of Los Angeles (County).

This decision grants County's request to construct a grade separation of Alameda Street under the Alameda Corridor Transportation Authority tracks, in the Rancho Dominguez area of the County. The proposed grade separation is needed to accommodate the realignment of Alameda Street and the railroad tracks. Construction of the proposed grade separation will eliminate motorist delays and enhance safety. Upon completion of the proposed grade separation, the existing at-grade crossing will be closed. This proceeding is closed.

(Exam Koss)

(Section 311(g))

CA-21 A98-04-047 - Alameda Corridor Transportation Authority (ACTA).

For authority to construct Alameda Corridor's Redondo Junction Grade Separation project which consists of the following new crossings and modifications to existing crossings: 1) Railroad over railroad - New Southern California Regional Rail Authority (SCRRA) tracks, on an aerial structure, over ACTA and Union Pacific main tracks; 2) Railroad over highway - New SCRRA tracks, on an aerial structure, over Washington Boulevard; 3) Railroad over railroad - New SCRRA tracks, on an aerial structure, over Burlington Northern Santa Fe (BNSF) new/relocated tracks; 4) Railroad over highway - Existing Soto Street crossing modified/widened to accommodate BNSF and SCRRA tracks, thus replacing existing bridge with new bridges. All these crossings are in the City of Los Angeles, County of Los Angeles, California. This decision grants ACTA's temporary authority to modify D98-10-015 to operate with an impaired vertical clearance of 21 feet, 6 inches, during construction of the Redondo Junction railroad-railroad grade separation. In all other respects D98-10-015 would remain in full force and effect. This proceeding is closed.

(Exam Koss)

(Section 311(g))

- CA-22 A98-09-037 - City of Bakersfield (City).**
This decision grants City's request to construct structures to carry additional tracks at the proposed Q Street and existing Chester Avenue Underpasses at separated grades under the tracks of the Burlington Northern and Santa Fe Railway Company's Fresno-Bakersfield Main Line in Bakersfield, Kern County. This proceeding is closed.
(Exam Koss)
(Section 311(g))
- CA-23 A99-05-016 - State of California, Department of Transportation (Caltrans).**
For authority to alter, construct and maintain, and protect respectively an existing grade crossing of the Napa Valley Wine Train Company track, located in Napa County. This decision grants Caltrans' request to alter the existing at grade crossing No. 87-84.8, State Route 29 at Whitehall Lane in order to construct Class I Bikeways across the tracks of the Napa Valley Wine Train Company in Napa County. This proceeding is closed.
(Exam Koss)
(Section 311(g))
- CA-24 A99-05-034 - State of California, Department of Transportation (Caltrans).**
This decision grants Caltrans' request to widen the existing Mace Boulevard Overhead over the tracks of the Union Pacific Transportation Company in the City of Davis, Yolo County. This proceeding is closed.
(Exam Koss)
(Section 311(g))
- CA-25 A94-12-005 - Pacific Gas and Electric Company (PG&E).**
For authority, among other things, to decrease its rates and charges for electric and gas service, and increase rates and charges for pipeline expansion service. This decision addresses Ordering Paragraph 4 of D97-12-044 which requires PG&E to file its proposed new low-emission vehicle residential time-of-use Schedule E-6. Ordering Paragraph 4 is corrected to allow PG&E, at its option, to file its proposed Schedule E-6.
(Com Duque - ALJ Patrick)
(Section 311(g))

-
- ✓ **CA-26** **A98-12-036 - Southern California Water Company (SCWC).**
This decision approves with conditions SCWC's request to participate in a stipulated judgment for adjudication of water rights in the Six Basins hydrologic area in Los Angeles County and an agreement between SCWC and the City of Claremont (City) regarding water rights, water rates and well easements. The application is opposed by the Ratepayer Representation Branch of the Commission's Water Division on grounds that the agreement with the City is disadvantageous to ratepayers. This proceeding is closed.
(Com Duque - ALJ Walker)
(Section 311(d))
- CA-27** **A99-04-008 - Access Communications, Inc., dba Access Long Distance.**
For certificate of public convenience and necessity (CPCN) to offer local exchange telecommunication services. This decision rescinds Access Communications, Inc.'s CPCN granted in D99-06-081 at applicant's request. This proceeding is closed.
(Com Neeper - ALJ O'Donnell)
(Section 311(g))
- CA-28** **R95-04-043 - Order Instituting Rulemaking on the Commission's own motion into competition for local exchange service.**
I95-04-044 - Related matter.
This decision grants Ameritech Communications International, Inc.'s petition extending for one year its confidential protection order under General Order 66-C of Exhibit 6 previously filed pursuant to D97-12-084.
(Com Duque - ALJ Pulsifer)
(Section 311(g))
- CA-29** **A99-05-013 - Alisal Water Corporation.**
Order approving Assigned Commissioner's Ruling changing the preliminary determination on need for hearing from no to yes.
(Com Duque - ALJ McVicar)
(Rule 6.5(b)).
(Section 311(g))

- CA-30** **A99-06-004 - Evans Telephone Company, Happy Valley Telephone Company, Hornitos Telephone Company, Kerman Telephone Co., Pinnacles Telephone Company, The Siskiyou Telephone Company, and The Volcano Telephone Company.**
For authority under Section 251(f)(2) of the Telecommunications Act of 1996 granting a limited suspension of IntraLATA presubscription requirements. A99-06-009 - Related matter. Pursuant to 47 U.S.C. Section 251 (f)(2), this decision grants a temporary suspension of the requirement that applicants, all small local exchange telephone companies, implement dialing parity for local toll calls. Meanwhile, the Commission will consider applicant's petitions for an order delaying dialing parity in their service areas while they negotiate with Pacific Bell to terminate financial pooling arrangements for local toll calls.
(Com Hyatt - ALJ Walker)
(Section 311(g))
- CA-31** **C99-03-005 - Nurseryman's Power Cooperative, Inc. vs. Southern California Gas Company (SoCalGas).**
This decision concludes that Nurseryman's Power Cooperative, Inc. does not meet the single premises requirement for gas transportation service under the SoCalGas Tariff Schedule GT-F, Section 30 and denies the complaint. This proceeding is closed.
(Com Bilas - ALJ Vieth)
(Section 311(g))
- CA-32** **R95-04-043 - Order Instituting Rulemaking on the Commission's own motion into competition for local exchange service. I95-04-044 - Related matter.**
This decision adopts procedures for the billing, collection, and disbursement of funds pursuant to the Public Education Plan for the 310/424 area code overlay adopted in D98-12-081.
(Com Duque - ALJ Pulsifer)
(Section 311(g))

- CA-33 A99-02-008 - City of Montclair (City).**
This decision grants City's request to construct Ramona Avenue at separated grades over the tracks of Union Pacific Railroad Company (UP) Main Line, formerly owned by Southern Pacific Transportation Company, from Los Angeles to Yuma, and UP's former Main Line, with certain facilities leased to Los Angeles County Metropolitan Transportation Authority, Los Angeles to Riverside Junction, in Montclair, San Bernardino County. This proceeding is closed.
(Exam Koss)
(Section 311(g))
- CA-34 Res T-16319 - All Telecommunications Utilities.**
This resolution adopts the claim reporting requirements, effective October 1999 and thereafter, for telecommunications carriers seeking reimbursement from the California Teleconnect Fund Program for discounts given to qualified schools and libraries, government owned and operated hospitals and health clinics, and community-based organizations offering health care, job training, job placement, or education instruction.
(Section 311(g))
- CA-35 Res T-16338 - Pacific Bell (Pacific).**
This resolution approves two Interconnection Agreements between Pacific and Southern California Edison; and between Pacific and Fiber Communications, Inc., submitted under provisions of Resolution ALJ-174 and General Order 96-A.
(Advice Letter (AL) 20327, filed June 4, 1999; AL 20331, filed June 7, 1999; Supplement AL 20331A, filed June 9, 1999)
(Section 311(g))
- CA-36 Res SR-103 - Burlington Northern Santa Fe Railway (BNSF) and National Railroad Passenger Corporation (Amtrak).**
This resolution grants a variance from the Commission's side clearance requirements for eight proposed BNSF/Amtrak yard tracks adjacent to support columns at the Seventh Street Viaduct overpass in downtown Los Angeles.
(Section 311(g))

-
- CA-37** **Res T-16331 - California High Cost Fund-B (CHCF-B) and California Teleconnect Fund (CTF).**
This resolution approves the trust contracts with Bank of America and Union Bank for the establishment of trust accounts for the CHCF-B and CTF.
(Section 311(g))
- CA-38** **Res G-3263 - Sempra Energy, on behalf of Southern California Gas Company (SoCalGas).**
This resolution approves on a one-time basis SoCalGas's request to balance a Purchase Gas Account (PGA) overcollection by transferring \$16,466,733 from the PGA to the authorized transportation rate component of core procurement customers.
(Advice Letter 2824-A, filed July 20, 1999)
(Section 311(g))
- CA-39** **A98-01-008 - Pacific Gas and Electric Company.**
For authority to sell certain generating plants and related assets pursuant to Public Utilities Code Section 851. This decision grants Southeast Alliance for
(Rev.) Environmental Justice an award of \$20,226.45 in compensation for its
(8/26/99) contribution to D99-04-026 and D98-10-029. This proceeding is closed.
(Com Bilas - ALJ DeUlloa)
(Section 311(g))
This revision was not listed on the agenda distributed to the public.
- CA-40** **A99-03-008 - City of El Paso de Robles (City).**
This decision grants City's request to seismic retrofit the Twenty Fourth Street Overhead grade separation bridge structure over the tract of the Union Pacific Railroad Company's Coast Main Line, formerly owned by the Southern Pacific Railroad Company, in the City, San Luis Obispo County. This proceeding is closed.
(Exam Koss)
(Section 311(g))
-

CA-41 A99-06-030 - Axces, Inc. dba Long Distance Axces (Axces) and Gemini II, Inc. (Gemini).

For authority to transfer the stock of Axces to Gemini. This decision grants Gemini authority to acquire Axces, a nondominant interexchange carrier. The certificate of public convenience and necessity remains with Axces. This proceeding is closed.

(Com Hyatt - ALJ O'Donnell)
(Section 311(g))

CA-42 Res E-3632 - San Diego Gas & Electric Company (SDG&E).

This resolution approves SDG&E's request to modify the "Applicability" section of Schedule AY-TOU. The requested change would permit SDG&E to discontinue offering this rate option to any new customers. Any existing AY-TOU customers would be allowed to continue having service under this schedule.

(Advice Letter 1177-E, filed June 29, 1999)
(Section 311(g))

CA-43 Res O-0033 - Chevron Pipeline Company (CPL).

This resolution approves CPL's request to withdraw from service transportation of crude petroleum service on its Western San Joaquin Pipeline System.

(Advice Letter 24, filed April 14, 1999)
(Section 311(g))

CA-44 Res O-0034 - Chevron Pipeline Company (CPL).

This resolution approves CPL's request to re-establish its Inglewood area to Chevron U.S.A. Refinery crude petroleum pipeline and tariff.

(Advice Letter 23, filed April 2, 1999)
(Section 311(g))

CA-45 Res SX-26 - California Department of Transportation (Caltrans).
Pursuant to Section 12.2 of General Order 75-C, this resolution authorizes Caltrans to proceed with a safety demonstration project (the trial installation of light emitting diode red warning lamps) at 18 grade crossings of the Burlington Northern Santa Fe Railway Company in Fresno County.
(Section 311(g))

CA-46 Res W-4166 - Kenwood Village Water Company (KVWC).
This resolution grants a general rate increase producing \$34,235 or 34.9% additional annual revenue.

REGULAR AGENDA

UTILITY AND TRANSPORTATION ORDERS

ORDERS HELD OVER

H-1 C99-01-015 - Martin Davenport vs. AT&T Communications of California, Inc. (AT&T).

This decision grants without prejudice AT&T's motion to dismiss the complaint of Martin Davenport. This proceeding is closed.

(Com Neeper - ALJ DeUlloa)

(Section 311(g))

(Agenda 3021, Item CA-4, 8/5/99; Req - Commission)

H-2 A99-01-005 - Pacific Gas and Electric Company.

For modification of Resolution E-3423 to bring ratemaking treatment for the Exxon Agreement into conformance with Public Utilities Code Section 372(b)(3). This decision approves 100% ratepayer funding of the discount for Exxon cogeneration deferral agreement, effective upon approval of the Commission. General Order 96-A, Section X is exercised, with termination of the contract effective December 31, 2001, or upon the end of the rate freeze, whichever date is earlier. This proceeding is closed.

(Exam - Clanon)

(Section 311(g))

(Agenda 3021, Item CA-10, 8/5/99; Req - Commission)

H-3**R93-04-003 - Rulemaking on the Commission's own motion to govern open access to bottleneck services and establish a framework for network architecture development of dominant carrier networks.**

I93-04-002 - Related matter. This decision establishes prices for unbundled network elements (UNEs) offered by Pacific Bell (Pacific). Among other things, the decision (1) concludes that prices for all of Pacific's UNEs should be set at the applicable Total Element Long Run Incremental Costs adopted in D98-02-106 plus a markup of 19% to cover shared and common costs, (2) rejects arguments by AT&T Communications of California, Inc. and MCI Telecommunications Corporation that Yellow Page revenues and Pacific's draw from the California High Cost Fund-B should be used to lower UNE prices for residential loops, (3) requires Pacific to continue providing UNE combinations in accordance with the terms of existing interconnection agreements until the Federal Communications Commission has completed its work on the issues remanded to it by the Supreme Court in *AT&T Corp. v. Iowa Utilities Bd.* (*AT&T – Iowa*), 119 S.Ct. 721 (1999), (4) concludes that Pacific should not be required to file tariffs applicable to UNEs, and (5) establishes price floors for the local exchange services specified in D96-03-020. The decision acknowledges that several issues related to UNE pricing remain unsettled in light of the Supreme Court's decision in *AT&T – Iowa*, including the nature of the geographic deaveraging that will be required, and the identity of the network elements that Pacific and other incumbent local exchange carriers will ultimately be required to offer under the Telecommunications Act. The decision concludes that notwithstanding this uncertainty, the most appropriate course of action here is to set prices for the UNEs covered in existing interconnection agreements, and not to attempt to set geographically-deaveraged prices at this time.

(Com Duque – ALJ McKenzie)

(Section 311(d))

(Agenda 3017, Item 1, 6/10/99; Agenda 3018, Item H-6, 6/24/99; Agenda 3019, Item H-3, 7/8/99; Agenda 3020, Item H-2, 7/22/99; Agenda 3021, Item H-2, 8/5/99; Req - Commission)

- H-4** **I98-12-013 - Order Instituting into the power outage which occurred on December 8, 1998 on Pacific Gas & Electric Company system.**
This decision closes the investigation. There is no need for an adjudicatory proceeding. The California Independent System Operator (CAISO) has the benefit of the reports generated in this investigation. The Commission will monitor the CAISO's efforts toward reliability improvement, and will consider further action in the future if needed. This proceeding is closed.
(Com Bilas - ALJ O'Donnell)
(Section 311(g))
(Agenda 3019, Item 2, 7/8/99; Agenda 3020, Item H-3, 7/22/99;
Agenda 3021, Item H-3, 8/5/99; Req - Commission)
- H-4a** **ALTERNATE ORDER TO ITEM H-4.** This alternate would order Energy Division to convene a public forum for parties to develop any solutions and recommendations regarding the December 8, 1998 outage for reliability, safety, managerial, communications and procedural solutions that pertain to the distribution system, or are corollary to distribution. Transmission issues will be considered by CAISO, and we will monitor their efforts. This proceeding is closed.
(Com Neeper)
(Section 311(g))
(Agenda 3019, Item 2a, 7/8/99; Agenda 3020, Item H-3a, 7/22/99;
Agenda 3021, Item H-3a, 8/5/99; Req - Commission)
- H-4b** **ALTERNATE ORDER TO ITEM H-4.** This alternate clarifies the matter of Commission jurisdiction, finding that the Commission has exclusive jurisdiction over safety matters on PG&E's system and concurrent jurisdiction with the ISO over PG&E's system reliability. It sets forth a procedure for establishing coordinated investigative efforts with the ISO and leaves the proceeding open to develop the record further on issues raised by the OIR. This proceeding is closed.
(Coms Hyatt/Bilas)

- H-5 A93-12-025 - Southern California Edison Company (SCE).**
For authority to increase its authorized level of base rate revenue under the electric revenue adjustment mechanism for service rendered beginning January 1, 1995 and to reflect this increase in rates. I94-02-002 - Related matter. This decision denies SCE's petition for modification of D96-08-025 and finds that SCE's petition is deficient on both substantive and procedural grounds. These proceedings are closed.
(Com Duque - ALJ Gottstein)
(Section 311(g))
(Agenda 3021, Item 3, 8/5/99; Req - Commission)
- H-6 R95-04-043 - Order Instituting Rulemaking on the Commission's own motion into competition for local exchange service. I95-04-044 - Related matter.**
This decision addresses Commission policy concerning the manner in which NXX prefixes may be assigned to end-use customers located in foreign exchanges, and the resulting treatment of call rating and intercarrier compensation. These issues were first brought to the Commission's attention through a complaint filed by Pac-West Telecom, Inc. involving the propriety of certain call rating and routing practices (C96-10-018) in connection with its offering of local exchange service. D97-12-094 determined that the disputed issues raised in that complaint had implications for the industry as a whole, and directed that those issues be examined on a generic basis in this rulemaking proceeding.
(Com Duque - ALJ Pulsifer)
(Section 311(g))
(Agenda 3021, Item 5, 8/5/99; Req - Commission)
- H-7 A98-07-062 - Ponderosa Community Services District.**
This decision grants applicant's request to declare purported transfer of well and related facilities void pursuant to Section 851. This proceeding is closed.
(Com Duque - ALJ Bushey)
(Section 311(g))
(Agenda 3021, Item 8, 8/5/99; Req - Commission)

ORDERS

NOTE: Ex Parte Communications are prohibited on Items 3 and 3a from the day of the Ratesetting Deliberative Meeting through the conclusion of the Business Meeting at which a vote on the Proposed Decisions are scheduled. (Rule 7(c)(4)).

1 R99-02-001 - Rulemaking for purposes of implementing certain statutory requirements regarding public review and comments for specified Commission decisions.

This decision adopts Rules of Practice and Procedure to implement certain statutory requirements, enacted in Senate Bill 779 (Calderon), regarding public review and comment for specified Commission decisions. This proceeding is closed.

(Com Neeper - ALJ Kotz)

(Section 311(g))

1a (8/25/99) ALTERNATE ORDER TO ITEM 1. This alternate order proposes two changes to the Commission's original proposal for rules implementing SB 779. (Com Neeper)

This item was not listed on the agenda distributed to the public.

2 R97-10-049 - Commission Order Instituting Rulemaking on the Commission's own motion to set rules and to provide guidelines for the privatization and excess capacity as its relates to investor owned water companies.

This decision adopts with modifications proposals to allow water companies to provide goods and services to unregulated operations priced at incremental cost. This proceeding is closed.

(Coms Duque/Neeper - ALJ Bushey)

(Section 311(g))

-
- ✓3 **A98-04-016 - Pacific Gas and Electric Company (PG&E).**
This decision approves the sale of PG&E's El Dorado Hydroelectric Project (El Dorado Project) to the El Dorado Irrigation District (EID). The El Dorado Project is currently inoperable due to severe storm damage. PG&E has offered to pay to EID \$17 million to take the project and assume decommissioning costs of about \$11.7 million. PG&E asks that the \$17 million be a charge against ratepayers. Held: a payment of \$15 million to be charged against ratepayers is reasonable. This decision also settles a water rate dispute and relieves PG&E from public utility water obligations in relation to the assets being sold. This proceeding is closed.
(Com Duque - ALJ Barnett)
(Section 311(d))
- ✓3a **ALTERNATE PAGES TO ITEM 3.** These alternate pages authorizes \$17 million as a transfer payment by PG&E to EID which may be recovered from ratepayers through the Transition Cost Balancing Account. This proceeding is closed.
(Com Duque)
- 4 **R95-04-043 - Order Instituting Rulemaking on the Commission's own motion into competition for local exchange service.**
I95-04-044 - Related matter.
This decision approves an area code overlay for the 818 Numbering Plan Area (NPA) to relieve NXX code exhaustion. The overlay will be opened August 19, 2000. Mandatory 1 + 10 - digit dialing in the 818 NPA begins May 20, 2000.
(Com Duque - ALJ Pulsifer)
(Section 311(g))
- 5 **A99-02-004 - California Water Service Company (CWS), Dominguez Water Company (Dominguez), Kern River Valley Water Company (Kern River), and Antelope Valley Water Company (Antelope).**
For authority on a plan of merger of CWS, Dominguez, Kern River and Antelope. This interim decision determines Public Utilities Code Section 2718 et seq. is applicable to the water utility merger at issue in this proceeding.
(Com Duque - ALJ Vieth)
(Section 311(g))
-

6 R95-04-043 - Order Instituting Rulemaking on the Commission's own motion into competition for local exchange service. I95-04-044 - Related matter.

This decision denies the Petition to Modify D98-05-021 which approved an overlay of the 310 Numbering Plan Area. The temporary suspension of the overlay granted in D99-06-091 shall be lifted effective October 16, 1999.

(Com Duque - ALJ Pulsifer)

(Section 311(g))

7 A99-03-047 - Pacific Bell.

This decision approves an interconnection agreement between Pacific Bell and MFS/WorldCom pursuant to Section 252 of the Telecommunications Act of 1996. The agreement was filed with the Commission pursuant to an Arbitrator's Report issued on August 4, 1999. This proceeding is closed.

(Com Duque - ALJ Pulsifer)

(Section 311(g))

7a **ALTERNATE PAGES TO ITEM 7.** These alternate pages provide compensation for tandem switches and common transport in addition to the compensation for end-office switches which is provided for in the Final Arbitrator's Report. This proceeding is closed.

(9/1/99)

(Com Bilas)

This item was not listed on the agenda distributed to the public.

UTILITIES RESOLUTIONS

ENERGY MATTERS

- E-1 Res G-3258 - Pacific Gas and Electric Company (PG&E).**
This resolution approves PG&E's request for revision to its tariff schedules, rules, and forms applicable throughout its service territory.
(Advice Letter 2116-G, filed November 6, 1998)
(Section 311(g))
- E-2 Res E-3608 - Pacific Gas and Electric Company (PG&E).**
(Rev.) This resolution grants PG&E's request for an increase in compensation for the
(8/26/99) members of its Diablo Canyon Independent Safety Committee.
(Advice Letter 1857-E, filed April 1, 1999)
(Section 311(g))
This revision was not listed on the agenda distributed to the public.
- E-3 Res E-3519 - San Diego Gas & Electric Company (SDG&E).**
This resolution denies without prejudice SDG&E's request to add to its list of sample forms two Summary Bill Forms which allow customers with multiple accounts at multiple service addresses to receive one bill instead of individual bills for each account.
(Advice Letter 1140-E/1129-G, filed December 16, 1998)
(Section 311(g))
- E-4 Res E-3628 - Pacific Gas and Electric Company (PG&E).**
This resolution denies PG&E's request to transfer unspent Research, Development and Demonstration funds to the Transition Revenue Account.
(Advice Letter 1856-E/2144-G, filed April 1, 1999)
(Section 311(g))
- E-5 Res E-3629 - Mountain Utilities (MU).**
This resolution denies MU's request for a Methyl Tertiary Butyl Ether Response Memorandum Account.
(Advice Letter 10, filed June 28, 1999)
(Section 311(g))

E-6 Res E-3623 - Pacific Gas & Electric Company (PG&E).

This resolution approves PG&E's request to revise transmission rates, delay the effective date of the transmission rates, and revise Preliminary Statement PW.

This resolution denies PG&E's request to make a billing adjustment.

(Advice Letter (AL)1757-E, filed March 30, 1998, and AL 1757-E-A, filed October 5, 1998)

(Section 311(g))

(Agenda 3021, Item E-3, 8/5/99; Req - Commission)

WATER MATTERS

**W-1 Res W-4165 – Citizens Utilities Company (Citizens) and San Jose Water
(Rev.) Company (SJWC).**

(9/1/99) This resolution denies Citizens and SJWC's request to establish memorandum accounts for recording costs resulting from the mitigation efforts in respect to the year 2000 computer problems, but allows a process to seek recovery prospectively.

(Citizens Advice Letter (AL) 325-W, filed March 1, 1999; SJWC AL 312, filed March 16, 1999)

(Agenda 3021, Item W-1, 8/5/99; Req - Commission)

This revision was not listed on the agenda distributed to the public.

LEGAL DIVISION MATTERS

LEGISLATIVE MATTERS

HLEG-1 **AB 651 (Wright)**, to add Section 710 to the Public Utilities Code regarding telecommunications providers and private property agreements.
(Agenda 3014, Item LEG-1, 4/22/99; Agenda 3015, Item HLEG-8, 5/13/99;
Agenda 3016, Item HLEG-4, 5/27/99; Agenda 3017, Item HLEG-4, 6/10/99;
Agenda 3018, Item HLEG-4, 6/24/99; Agenda 3019, Item HLEG-4, 7/8/99;
Agenda 3020, Item HLEG-2, 7/22/99; Agenda 3021, Item HLEG-2, 8/5/99;
Req - Commission)

HLEG-2 **SB 1063 (Bowen), SB 1095 (Bowen)**, and any related bills, to amend the Public Utilities Code, relating to electric restructuring: hydroelectric facilities.
(Agenda 3021, Item LEG-5, 8/5/99; Req - Commission)

LEG-1 **SB 418 (Polanco)**, as amended on August 19, 1999, to add Section 846.2 to
(Rev.) the Public Utilities Code, pertaining to disposition of excess rate reduction bond
8/26/99 proceeds.
This revision was not listed on the agenda distributed to the public.

RESOLUTIONS AND MEMORANDUMS

L-1 **Res L-286** - Resolution approving disclosure of clarification to staff
investigative report and supporting records concerning explosion occurring on
February 17, 1998, at 2101 San Pablo Avenue, Pinole, California. (Section
311(g))

COMMISSIONERS' REPORTS

Commissioner Duque

- Electric Matters
- Water Matters
- Legislative

Commissioner Neeper

- Telecommunications Matters
- Legal/Administrative Law Judge

President Bilas

- Administrative Matters
- Natural Gas Matters
- Transportation Matters
- Strategic Planning Matters
- Legislative

Commissioner Hyatt

- Administrative Matters
- Strategic Planning Matters

Commissioner Wood

- Consumer Protection Matters

EXECUTIVE DIRECTOR'S REPORT

Wesley M. Franklin, Executive Director

GENERAL COUNSEL'S REPORT

Peter Arth, Jr., General Counsel

DIRECTORS' REPORTS

Lynn T. Carew, Chief
Administrative Law Judge Division

Paul Clanon, Director
Energy Division

Jack Leutza, Director
Telecommunications Division

Dean J. Evans, Director
Water Division

Kenneth L. Koss, Director
Rail Safety and Carriers Division

William Meyer, Director
Strategic Planning Division

Director
Office of Ratepayer Advocates

William Schulte, Director
Consumer Services Division

Maxine Harrison, Acting Representative
Southern California

Robert T. Feraru
Public Advisor

CLOSED SESSION

This notice is furnished under Government Code Sections 11125 and 11126.3. The Commission will meet in Closed Session following the Public Session of its regularly scheduled meeting. In the Closed Session, the Commission may consider personnel matters as provided under Government Code Section 11126(a), institution of proceedings or disciplinary actions against any person or entity under the jurisdiction of the Commission as provided under Government Code Sections 11126(d)(2) and 11126(e)(2)(C)(i), and pending litigation as provided under Government Code Section 11126(e). Additional items may be added to the closed session agenda pursuant to Gov. Code Section 11126.3(d). If in Closed Session the Commission votes to appoint, employ, or dismiss a public employee, the Commission will thereafter reconvene in Open Session to make the disclosures required by Government Code Sections 11125.2 and 11126.3(f).

NON-FEDERAL ITEMS

ORDERS HELD OVER

- HEX-1** **Conference With Legal Counsel - Applications For Rehearing**
A94-12-005, I95-02-015 - Disposition of Applications for Rehearing by Pacific Gas and Electric Company (PG&E) of D98-12-096, which granted limited rehearing of and modified D95-12-055, which in turn resolved revenue requirements issues in Phase I of PG&E's 1996 test year general rate case. (Gov. Code Sec. 11126(e)(2)(B)(i).)
(Agenda 3017, Item EX-5, 6/10/99; Agenda 3018, Item HEX-6, 6/24/99; Agenda 3020, Item HEX-2, 7/22/99; Agenda 3021, Item HEX-1, 8/5/99; Req - Commission)
- HEX-2** **Conference with Legal Counsel - Application for Rehearing**
A98-01-014 - Disposition of Application for Rehearing of D99-05-030 filed by the National Resources Defense Council and Utility Consumers Action Network in which the Commission adopted a revised performance-based ratemaking mechanism for the electricity and natural gas distribution services of San Diego Gas & Electric Company.
(Gov. Code Sec. 11126(e)(2)(B)(i).)
(Agenda 3021, Item EX-4, 8/5/99; Req - Commission)

- HEX-3** **Conference with Legal Counsel - Application for Rehearing**
R95-01-020, I95-01-021 - Disposition of Applications for Rehearing of D99-05-013 filed by AT&T Communications of California and Cellular Carriers Association of California. This decision orders telecommunications carriers to remit to the California High Cost Fund-B (CHCF-B) and the California Teleconnect Fund (CTF) any interest they may have earned on CHCF-B and CTF surcharge revenues prior to the effective date of D98-01-023. (Gov. Code Sec. 11126(e)(2)(B)(i).)
(Agenda 3021, Item EX-5, 8/5/99; Req - Commission)
- HEX-4** **Conference with Legal Counsel - Applications for Rehearing**
R97-04-011, I97-04-012 - Disposition of Applications for Rehearing of D98-11-027, filed jointly by Southern California Gas Company and San Diego Gas and Electric Company (Applicants), concerning the tag line: A Sempra Energy Company. D98-11-027 denied the Applicants' petition for modification of the disclaimer requirement set forth in the Affiliate Transaction Rules, which were adopted by D97-12-088.
(Gov. Code Sec 11126(e)(2)(B)(i).)
(Agenda 3018, Item EX-8, 6/24/99; Agenda 3019, Item HEX-4, 7/8/99; Agenda 3020, Item HEX-6, 7/22/99; Agenda 3021, Item HEX-4, 8/5/99; Req - Commission)

ORDERS

- EX-1 Conference with Legal Counsel – Applications for Rehearing**
Compilation of applications for rehearing recently filed with the Commission.
(Gov. Code Sec. 11126(e)(2)(B)(i).)
- EX-2 Conference with Legal Counsel – Threatened Litigation**
Significant exposure to litigation. (Gov. Code Sec. 11126(e)(2)(B).)
- EX-3 Conference with Legal Counsel – Initiation of Litigation**
Consideration of possible Commission initiation of, or intervention in, litigation.
(Gov. Code Sec. 11126(e)(2)(C)(i).)
- EX-4 Conference With Legal Counsel - Initiation of Enforcement Proceedings**
Deliberation of institution of proceedings or disciplinary actions against persons or entities under the Commission’s jurisdiction. (Disclosure of case name would jeopardize the ability to effectuate service of process upon one or more unserved parties if the proceeding or disciplinary action is commenced, and disclosure of case name would fail to protect the private or business reputation of the person or entity if the proceeding or disciplinary action is not commenced.)
(Gov. Code Secs. 11126(d)(2), 11126(e)(2)(C)(i).)
- EX-5 Conference With Legal Counsel - Application for Rehearing**
C98-08-040 - Disposition of Application for Rehearing by Complainant Donna Matthews of D99-07-008 in which the Commission dismissed the complaint against Meadows Management Company, dba Plantation on the Lake Mobilehome Park. The complaint alleged that the water rates charged the tenants of the park are unreasonable. The complaint was dismissed without an evidentiary hearing on a motion by the Defendant.
(Gov. Code Sec. 11126(e)(2)(B)(i).)

- EX-6** **Conference With Legal Counsel - Motion for Stay**
R92-03-050 - Disposition of Motion for Stay of D99-06-079 filed by Pacific Gas and Electric Company, Southern California Edison, San Diego Gas & Electric Company, Southern California Gas Company and Southwest Gas Corporation. In D99-06-079, the Commission adopted rules governing the extension of gas and electric services to new customers. The movants seek a stay of a specific provision requiring free trench inspections pending resolution of their concurrently filed application for rehearing.
(Gov. Code Sec. 11126(e)(2)(B)(i).)
- EX-7** **Conference With Legal Counsel - Motion for Stay**
A94-12-005, I95-02-015 - Disposition of Motion for Stay of D99-06-080 filed by Pacific Gas and Electric Company (PG&E). In D99-06-080, the Commission addressed PG&E's response to the severe wind and rainstorms of December 1995. PG&E seeks to stay the ordered payment of \$85,000 in fines pending resolution of its concurrently filed application for rehearing. PG&E likewise seeks a stay of Ordering Paragraph 11 which requires PG&E to cancel Note 7 of its construction standard for wood poles.
(Gov. Code Sec. 11126(e)(2)(B)(i).)
- EX-8** **Conference With Legal Counsel - Application for Rehearing**
A98-02-017, A98-04-048 - Disposition of joint application filed by The Utility Reform Network and the Office of Ratepayer Advocates for the rehearing of D99-06-053, which re-categorized Pacific Bell's business (BIWR) and residential inside wire repair (RIWR) services from Category II of Category III, authorized ceiling rate increases for BIWR WirePro plan to \$1.90 per month, and RIWR WirePro plan from \$0.60 to \$1.20 per month, but denied increase in ceiling rates for Pacific's Per Visit BIWR service.
(Gov. Code Sec. 11126(e)(2)(B)(i).)
- EX-9** **Conference With Legal Counsel - Application for Rehearing**
A98-07-003, A98-07-006, A98-07-026 - Disposition of Application for Rehearing by The Utility Reform Network of D99-06-058. The Decision resolves issues raised in the first revenue allocation proceeding "RAP" for Pacific Gas and Electric Company, Southern California Edison Company and San Diego Gas & Electric Company.
(Gov. Code Sec. 11126(e)(2)(B)(i).)

- EX-10** **Conference With Legal Counsel - Application for Rehearing**
C97-04-025 - Disposition of Application for Rehearing of D99-06-093 in Complaint case C97-04-025. D99-06-093 granted rehearing of a previous decision in this proceeding, D98-08-033. This application for rehearing, filed by defendant SFPP. L.P., alleges that the Commission erred when it granted rehearing, and states that D99-06-093 should be rescinded. This application is opposed by the complainants in this proceeding.
(Gov. Code Sec. 11126(e)(2)(B)(i).)
- EX-11** **Conference with Legal Counsel - Application for Rehearing**
I98-03-013 - Disposition of Application for Rehearing of D99-06-054 filed jointly by Engstrom, Lipscomb & Lack, Girardi & Keese, and Dewitt, Algorri & Algorri. D99-06-054 denied motions challenging the Commission's jurisdiction to conduct I98-03-013, an inquiry into the safety of drinking water service provided by Commission-regulated public utilities. (Gov. Code Sec. 11126(e)(2)(B)(i).)
- EX-12** **Conference with Legal Counsel - Application for Rehearing**
A.96-03-007 - Disposition of Application for Rehearing of D99-02-013 by The Utility Reform Network, MCI WorldCom, Inc., the California Cable Television Association, and AT&T Communications of California, Inc. D99-02-013 authorizes Southwestern Bell Communications Services (SBCS) to provide long distance service in California after obtaining approval from the Federal Communications Commission. Rehearing Applicants allege that D99-02-013 fails to establish sufficient safeguards on Pacific Bell's joint marketing of SBCS long distance services.
(Gov. Code Sec. 11126(e)(2)(B)(i).)

FEDERAL ITEMS

- HFEX-1** **Conference with Legal Counsel - Existing Litigation**
AT&T Communications of California, Inc. v. Pacific Bell, et al., C-97-0800; MCI Telecommunications Corp., et al. v. Pacific Bell, et al., C-97-0670; GTE California, Inc. v. P. Gregory Conlon, AT&T Communications of California, et al., C-97-1756; and GTE California, Inc. v. P. Gregory Conlon, MCI Telecommunications Corp., et al., C97-1757. (Gov. Code Sec. 11126(e)(2)(A).)
(Agenda 3019, Item FEX-7, 7/8/99; Agenda 3020, Item HFEX-1, 7/22/99; Req - Commission)
- FEX-1** **Conference with Legal Counsel – Initiation of Litigation**
Consideration of possible Commission initiation of, or intervention in, federal agency or court proceedings. (Gov. Code Sec. 11126(e)(2)(C)(i).)
- FEX-2** **Conference with Legal Counsel - Existing Litigation**
FERC Docket Nos. ER98-441-000, et al. - Southern California Edison Company.
(Gov. Code Sec. 11126(e)(2)(A).)

**SUBSCRIPTION NOTICE FOR AGENDA
AND
DRAFT AGENDA ITEMS**

If you wish to subscribe to the *agenda*, please send your request with a check payable to the Public Utilities Commission; Attention: Poly Arca, Room 1003; 505 Van Ness Avenue; San Francisco, CA 94102; or by calling (415) 703-1798. The cost for a one-year subscription to the agenda is \$75.

If you wish to receive *draft agenda items*, please send your request with a check payable to the Public Utilities Commission; Attention: Poly Arca, Room 1003; 505 Van Ness Avenue; San Francisco, CA 94102; or by calling (415) 703-1798. The cost for a one-year subscription to the entire public agenda package (which excludes Executive session materials) is \$1000. The cost for energy agenda items only or telecommunication agenda items only is \$500 per year. The package you receive via mail will include only those agenda items available at the time of the agenda distribution date, which is usually 10 to 12 days prior to the Commission meeting. If agenda items (including revisions) are not ready on the distribution date, they will be made available at no charge in the lobby outside the Commission Auditorium at 9:00 a.m. on the morning of the Commission meeting, but not earlier. In addition, the Commission will make draft agenda items available for viewing and photocopying (at 20 cents per page) at the Commission's Central Files Office (Room 2002), 505 Van Ness Avenue, San Francisco, and in the Commission offices in Los Angeles, San Diego, and the following field offices: El Centro, Sacramento, and San Bernardino. Since the agenda package will be mailed to these locations, it will be available at these locations a day or two after the distribution date. These locations will not receive agenda items that are not ready on the distribution date.

Those intervenors who have financial hardship determination pending or granted shall be eligible to receive draft agenda item packets at no charge.

